IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 3620 of 2003
Date of decision : 7.12.2006

Giriraj Singh & Anr.

.....Petitioners.

Versus

Padam & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Adarsh Jain,Advocate
for the petitioners.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 19.5.2003 passed by the learned Civil Judge (Jr. Divn.), Palwal vide which the application moved by the respondent No.3 herein was allowed and the petitioners have been directed to pay the ad valorem Court fee by observing that the plaintiffs have challenged the sale deed dated 5.5.1989.

The learned counsel for the petitioners contends that the petitioners had purchased land measuring 25K-3Ms vide registered sale deed dated 26.8.1987 executed by respondents No. 1 & 2. The share of the vendors in the joint property was 7K-10Ms and out of which land measuring 5K-3Ms was sold to the petitioners. The learned counsel for the petitioners further contends that total Khewat was measuring 18K-14 Ms and, therefore, after sale to the petitioners the only land available with the remaining co-owners was 13K-11Ms. However, land measuring 16K-2Ms was sold by way of impugned sale deed dated 5.5.1989. The petitioners had

sought declaration to the effect that the said sale deed was forged and fictitious document and not binding on the ownership and possessory rights of the petitioners. Thus, the main relief claimed by the petitioners was declaration. It was further claimed that petitioners were not party to the sale deed dated 5.5.1989. Accordingly the suit is as framed was rightly valued for the purposes of ad valorem Court fee.

Accordingly revision is allowed. The impugned order is set a side.

7.12.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**